

BOARD OF APPORTIONMENT PUBLIC HEARING
HARRISON

THURSDAY, JANUARY 4, 2001

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North Arkansas College
JPH Conference Center
1515 Pioneer Drive
Harrison, Arkansas 72601

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COURT REPORTER:

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P R O C E E D I N G S

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THURSDAY, JANUARY 4, 2001

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12:05 p.m.

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7 MR. OLAN REEVES: I guess we will go
8 ahead and get started. I am Butch Reeves
9 from the Governor's office. As you know,
10 the Board of Apportionment is made up of
11 three people, the Governor, the Secretary
12 of State, and the Attorney General's office.
13 Actually, we are one of the few states in
14 the country that has that. Most of this
15 is done by the House and Senate, or the
16 legislature, in most states.

17 The staffs of the three offices are the
18 ones that are here today. Tim Humphries is
19 representing Sharon Priest's office, he is
20 her General Counsel. And then, Assistant
21 Attorney General Larry Crane represents the
22 Attorney General's office. And there is a
23 reapportionment staff that is hired just
24 for this time frame, Ron Sheffield, and
25 Shanacee, and I don't know Shanacee's last

2 MR. TIM HUMPHRIES: I am not sure,
3 either.

4 MR. OLAN REEVES: But they are at the
5 office in Little Rock across from the
6 Capitol in the AEGON Building where most
7 of our big computers and printers are. And
8 so, they actually man the phones and print
9 the maps out that we have today. I just
10 want to kind of give you the time frame of
11 how events will fold out. It is on our
12 website. Tim, can you put our website up
13 there?

14 MR. TIM HUMPHRIES: Yes.

15 MR. OLAN REEVES: If you look on our
16 website, it has the time frames I am fixing
17 to give you. And that is our website, right
18 there. (Indicating.) You can go on there,
19 and there is a whole lot of other
20 information. There are links to the Census
21 Bureau, there are links to several other
22 things on there that you can link to and
23 read some information about it.

24 MR. LARRY CRANE: NCSL.

25 MR. OLAN REEVES: National Conference

1 of State Legislators has some very good
2 information on their site. And there is
3 a comment post-it page where you can post
4 comments if you want to. The current plans
5 are on there, the ones on this maps right
6 here that were drawn in '91.

7 MR. TIM HUMPHRIES: I have got the
8 comments here.

9 MR. OLAN REEVES: There you go, there is
10 what our --

11 MR. TIM HUMPHRIES: Comments.

12 MR. OLAN REEVES: -- comment page looks
13 like, and you put your name, and then you
14 post a comment, and the Board members will
15 actually read it. But the basic time frames
16 are, we have been told by the US Census
17 Bureau, we will get the information before
18 March 31st. We think it will be earlier,
19 but just to be on the safe side, by March
20 31st, we should have the information. The
21 earliest they have told us is March 1st, we
22 just don't think that is going to happen.

23 It will take a couple, maybe three
24 weeks, to load the data into the computers
25 once we get it. So, by April 1st, we should

1 start working on the plan, it will take
2 about a month, maybe five weeks, to come up
3 with a proposed plan which will be posted on
4 our website. Then we will start coming back
5 out. We were talking about that today,
6 probably in June of next year, we will be
7 back into the --

8 MR. LARRY CRANE: This year.

9 MR. OLAN REEVES: June of this year,
10 I guess. We are in the new year. June of
11 2001, we will come back to areas of the
12 state like we have been now with the
13 proposed plan already so that you can see
14 it, take comments on the redrawn lines.
15 And realize, that is a draft, we don't have
16 the authority to vote on a plan. This is
17 our -- with input from our bosses, this is
18 the draft. Take those comments back to the
19 Board, hopefully in August, early September,
20 have the Board meet, and approve or change,

21 or do whatever they want to do to the plans.

22 So, the comments we get in June and
23 July at these meetings will really be the
24 crucial ones that the Board will want to
25 hear. "We don't like it that you have

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1 split Boone County," or "We don't like
2 it that you have split Sharp County," or
3 whatever we get. The Board has, last
4 time, made changes after public comments,
5 some valid things that we did not know,
6 and they changed the plan that actually
7 had been drafted before.

8 MR. JEFF CHRISTENSON: This plan is
9 not subject to approval by the State
10 Legislature at all?

11 MR. OLAN REEVES: No, not at all.

12 MR. JEFF CHRISTENSON: Once it leaves
13 the three persons --

14 MR. OLAN REEVES: Once the Board
15 approves it, it is subject to a court

16 challenge, of course, which we had one in
17 '80 and we had one in '90. We anticipate
18 one this time, maybe more. But I mean,
19 that is just, you know, a given.

20 MR. JEFF CHRISTENSON: I have to go
21 back and rewrite a column out of what you
22 just told me for Sunday's paper, which I
23 have misquoted myself.

24 MR. OLAN REEVES: The legislature only
25 approves the Congressional districts, they

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1 do that and we don't do that. It is the
2 opposite. They do that, and the Board of
3 Apportionment does this. There is no
4 legislative approval for this plan,
5 whatsoever. There is --

6 MR. JEFF CHRISTENSON: The US
7 Congressional districts, they are?

8 MR. OLAN REEVES: Yes. The
9 Congressional districts, they actually
10 do those. So, hopefully, by September,

11 like I say, by Labor Day we will have this
12 plan finalized, really so people will
13 know, "Do I live in District 32 or do I
14 have to move," the year before the election.
15 That is really -- that is our goal, it is a
16 self-imposed goal, it is not set in stone,
17 it is just our target date, by October 1st.
18 We think it could be earlier, it will just
19 depend.

20 The handouts we gave you, the current
21 House and Senate districts for this area,
22 the maps we actually will be using have a
23 little more detail in them than we showed
24 you, but this just gives you a rough idea.
25 The other thing we gave you is from the

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1 US Census Bureau, it is their guesstimate
2 in 1999 of the growth of population, loss
3 or growth, whatever, in each county in
4 Arkansas. We know this is not right.
5 Arkansas gained more than -- they only

6 had us eight percent growth. We gained
7 more than that. So, we know these numbers
8 are low. So --

9 MR. JEFF CHRISTENSON: And they have
10 already estimated 2.6 million, didn't they?

11 MR. OLAN REEVES: Right. 2,673,400 is
12 the number they have released. And what
13 that means is, each House district will have
14 approximately 26,700 people in it, 26,734.

15 And each Senate district should have 76,382,

16

17 give or take a few people. Now, currently,
18 we are operating at 23, four, and 72. So,
19 just counting the numbers, you know some
20 districts are going to have to shrink and
21 some are going to have to expand.

22 And we were talking earlier, it will
23 depend on where the growth in the counties
24 is. In Baxter County, I presume the growth
25 is not county wide, it is in areas of the

1 county, just like Boone County has grown.
2 And so, those areas of growth are what are
3 going to drive this plan. One thing I must
4 tell you, because one of the goals that the
5 court has kind of set in redistricting, in
6 reapportionment, is preserving the core of
7 existing districts.

8 We will start with these maps and move
9 or change the lines from these maps. We
10 will not erase the lines and start from
11 scratch, that is just too difficult, it just
12 makes it too hard. So, these maps will be
13 plugged in first. The numbers will be
14 overlaid on top of them, and then we will
15 see what numbers -- lines we have to change.

16 The computer system we are using is
17 auto.Bounds, it is a computer product that
18 several states are using. It is based on --
19 it is by Esri Corporation, it has ArcView,
20 is what it is actually based on. The
21 building blocks for our plan this time will
22 be precincts. In '90, they were townships,
23 and it just didn't work out well. Townships
24 don't mean what they used to mean in this
25 state. Precincts mean a lot more, and so

1 the precincts, as reported by your county,
2 to the US Census Bureau is what we will be
3 working on.

4 And it will look something like this.
5 (Indicating.) Now, this is bigger. If we
6 zeroed in on these, you could actually see
7 streets, street names. And when we get the
8 numbers from the Census Bureau, it will
9 tell us 25 people live on this street or
10 42 people live on this street, or whatever
11 it tells you. I mean, it actually tells
12 you the numbers.

13 Like, in District 40, see, we could
14 zero in even closer and it would tell us
15 the street names. And when the Census
16 Bureau gives us the information, it will
17 tell us how many people live on that
18 street, black, white, age, it will tell
19 you a whole bunch of stuff, which would --
20 and see, which would tell us -- this also
21 tells us boundary lines, rivers, creeks,
22 county lines, precinct lines, it tells you
23 lots of things that really they didn't have

24 in 1990.

25 And that is why, in 1990, we found out

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1 towns got split because the township lines
2 split a town. And if you were doing
3 townships, that was the building block.
4 For instance, this precinct that we are in
5 right now --

6 MR. LARRY CRANE: It is a block, the
7 block.

8 MR. OLAN REEVES: This block, right.
9 This is block 215, and it just tells you
10 all of this information, 23 whites, no
11 blacks, total population of 23 that live
12 on this block, and it instantly tells you
13 that, which makes it really amazing.

14 MR. LARRY CRANE: Age breakdown.

15 MR. OLAN REEVES: And it tells you age,
16 white, over 18 was 23. And so, when you
17 move a precinct from one district to
18 another, it will instantly give you the

19 new numbers and tell you what you did to
20 that district when you moved the precinct.

21 Okay. So, you can just look at the
22 numbers for the House and Senate, and figure
23 out if your county, in your districts, some
24 are going to shrink, because you have got
25 more than 76,000 in them or 26,000 and some

11

1 are going to have to get bigger, because
2 you don't have 26,000 in the House district,
3 let's say, that one is going to have to get
4 bigger, there is no doubt about it.

5 MR. LARRY CRANE: Variations.

6 MR. OLAN REEVES: The deviation that we
7 have -- the variation that we have statewide
8 has to be under ten percent. For instance,
9 if we come up on a district that has
10 \$27,500, and it ends up being drawn that
11 way, that variation between 27,500 and
12 26,700 statewide has to be under ten
13 percent. Last time it was 9.7, isn't that

14 what you said, Tim?

15 MR. TIM HUMPHRIES: Uh-huh. (Indicated
16 yes.)

17 MR. OLAN REEVES: It was 9.7, which was
18 a high one.

19 MR. LARRY CRANE: Right.

20 MR. OLAN REEVES: But the court approved
21 that -- the Federal Court approved that in
22 the lawsuit that resulted. So, we are going
23 to do our best to get closer to zero, but it
24 is not easy sometimes, I mean, it is just
25 really not. When you have got rural parts

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1 of counties that have a few people and you
2 are stretching those lines to get those
3 people, it just makes it difficult, it makes
4 it very difficult.

5 The Senate districts, I think, are a
6 little easier because you are dealing with
7 more people, it is just easier to lop those
8 around than the House districts. Our

9 website kind of tells you some case law
10 that applies to how we draw these lines
11 and the things we have to look at, like
12 the Voting Rights Act, the 14th Amendment,
13 other issues that come up that the courts
14 have said. They have kind of muddied the
15 waters for us.

16 It was a little clearer, I think, Tim
17 says, in '91 than it is now, by what the
18 Supreme Court has done. You are going to
19 have to kind of guess what you think the
20 court would want you to do in a particular
21 situation. That is what makes it a little
22 more difficult for us, too.

23 These are all the different sites. This
24 one is really good. (Indicating.) That is
25 an excellent position -- not position paper,

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1 but explanation paper, on this site. That
2 is one of the best I have ever seen. It has
3 a little ten or 12 page synopsis, and then

4 it has a whole bunch of stuff. But that
5 little synopsis gives you a pretty good
6 idea among the states how this process
7 works, and it is linked from our site right
8 there. (Indicating.)

9 One thing that the Secretary of State
10 has done, over the last, I guess, year and
11 a half, is work with the Center for Advanced
12 Spatial Technologies out of Fayetteville to
13 go to each county and make sure the state
14 map matches the county map. What we have
15 found in the last ten years is, some county
16 maps didn't match the state maps, the lines
17 weren't the same. And people were in a
18 district, they thought, and they had turned
19 out not to be. So, they have spent an awful
20 lot of time making sure the county maps
21 match the state maps.

22 So, this time, when they go out, they
23 will be the same, and they currently have
24 been brought up to speed, so I think that
25 is a big effort that will help this whole

1 process. Because there is nothing more
2 frustrating than walking into your county
3 courthouse and trying to say, "What Senate
4 district am I in, what House district am I
5 in," and be told the wrong thing. And for
6 years, you have been voting, and realize
7 you have been voting in the wrong district,
8 or living in the wrong district, for that
9 matter. So, that has been a big help.

10 I guess we would really like to throw
11 it open to questions or comments, things you
12 would like for the Board to know, things you
13 would like to see, things you would like for
14 them to know that you want in your House and
15 Senate districts here, that is really why we
16 are here, rather than to hear me talk.

17 MR. LARRY CRANE: For comments, if you
18 would give your name, and then speak loudly
19 so that the court reporter can hear you,
20 it sure helps things when they are trying
21 to transcribe the record of the meeting.

22 MR. OLAN REEVES: Yes. We will have
23 a transcript of all of these meetings that
24 the Board will see. And we would like to
25 have your name, so the Board can know what

1 you have said, instead of saying
2 "Unidentified Female" or "Unidentified
3 Male". If you would identify your name,
4 it would be very helpful. Who wants to
5 be first to make a comment or ask a
6 question?

7 MR. JEFF CHRISTENSON: Well, I am
8 Jeff Christenson, I am from the Harrison
9 Daily Times. Right now, Boone County has
10 three different Representatives dealing
11 with us. From the newspaper standpoint,
12 we have found that, I think, to be
13 advantageous, because we have plenty of
14 folks we can talk to. But I am not so
15 sure -- and I am not qualified to speak
16 for all of the people in Boone County,
17 but if I was, I don't think the people
18 of Boone County particularly like having
19 three different parts. This county isn't
20 that big. And I know we are going to be
21 larger than 26,000.

22 MR. OLAN REEVES: Okay.

23 MR. JEFF CHRISTENSON: We are larger
24 than that now. But if we could get that
25 to two, it probably would be better.

16

1 MR. OLAN REEVES: Okay. Anybody else?
2 Yes, sir?

3 MR. RICHARD HART: I am sorry, I came
4 in late. I am Richard Hart. What is going
5 to determine -- is it just population that
6 is going to determine your boundaries for
7 the lines?

8 MR. OLAN REEVES: That is pretty much
9 what drives it. But the Supreme Court has
10 said other things to consider. Preserving
11 core districts now, communities of interest,
12 what communities have in common, to try to
13 put those together. I am drawing a blank
14 on some of the others.

15 MR. LARRY CRANE: Incumbency.

16 MR. OLAN REEVES: Incumbency is an
17 issue that can be considered. I can't --

18 the courts haven't told us how high it is
19 on the list, and if it is number five or
20 number two, I don't know the answer to that
21 question. But preserving core districts,
22 incumbency, you have to comply with the
23 Voting Rights Act to make sure that people
24 who have a right to vote, that that is
25 still preserved in the 14th Amendment, as

17

1 well.
2 I mean, there are lots of other issues
3 besides just the numbers, so I hate to say
4 that. But that is the driving force that
5 starts the process. And once we get -- Tim,
6 pull up that -- like District 29, right now,
7 pull that screen at the bottom, yeah, pull
8 that up. Like, these are the districts
9 right now. (Indicating.) And you can see
10 District 29 has 24,270 people in it -- well,
11 it did in '91. If that district doesn't
12 have 26,000, obviously it is going to have

13 to get bigger. If it has more than 26,000
14 in the new census, it is going to have to
15 be smaller.

16 And so, this is the first thing we look
17 at. And then we look at the percentages,
18 the deviations, we have to look at all of
19 that, preserving core communities. Like
20 you said, Boone County is split three ways
21 now. One thing we could look at, is there
22 a way to make it two or even whole within a
23 district, and see if that can work.

24 MR. LARRY CRANE: And some of that is
25 driven by the counties next to you.

18

1 MR. OLAN REEVES: Yes.

2 MR. LARRY CRANE: And what their
3 populations are and what the needs are to
4 deal with them.

5 MR. OLAN REEVES: Right.

6 MR. LARRY CRANE: And the other
7 districts.

8 MR. JEFF CHRISTENSON: I don't have
9 to tell you that every county in Northwest
10 Arkansas has grown.

11 MR. OLAN REEVES: Yeah. And see, Boone
12 County probably has -- you have more than
13 26,000 in Boone County, so obviously it is
14 going to have to be split somehow. And
15 trying to find the county next to you that
16 has the number to add to that without
17 splitting that county too bad, that is
18 really what we have to look at, and that
19 is really the thing that drives it for us.

20 And that is why, when we come back with
21 the draft plan, it is going to be important
22 for you to tell us, "It doesn't make any
23 sense to pair this town with Boone County,
24 because they don't have anything in common
25 with them. They need to be paired with,

19

1 you know, Carroll County or Sharp County
2 or Baxter County." We don't know that

3 stuff, and you do.

4 So, when we come back, don't think the
5 plan is set in stone, because it is not.
6 We need to -- the Board needs to hear stuff
7 like that, "That this needs to be paired
8 with this one, because they have more --
9 you know, they have more in common with
10 Harrison than they do with Batesville, or
11 more in common with Mountain Home than they
12 do with Jonesboro," those kind of things,
13 that is the stuff we need to hear when we
14 come back next summer. Any other comments
15 or questions?

16 MR. JEFF CHRISTENSON: Let me just
17 clarify one thing again. The Arkansas
18 Board of Apportionment, nothing you do
19 will affect anything with regards to the
20 US Congressional districts, will it?

21 MR. OLAN REEVES: No, not at all. We
22 have offered this same computer software
23 to the House and Senate to draw their
24 Congressional districts. And we are one
25 of the few -- we understand we are one of

1 the few states that hasn't split counties
2 yet in drawing Congressional districts, the
3 counties have remained intact. And I think
4 that may -- they may try to preserve that
5 objective.

6 The question is, which counties out
7 of the third district move, and where do
8 they move, First, Second or Fourth? That
9 is going to be the big issue for them. But
10 that is done by the House and Senate, not
11 us.

12 MR. JEFF CHRISTENSON: That is what
13 our fear is, they are going to take Baxter,
14 Boone and Marion County, and there will be
15 a real nice slice in there, send us to
16 Jonesboro.

17 MR. OLAN REEVES: And where does it go?
18 Exactly. Which counties go and where do
19 they go? That is going to be the big
20 question. Any other comments or questions?
21 If during the meantime, between now and the
22 next time, you just kind of want to know
23 what is going on, you could log onto our
24 website and you can send each of us an
25 E-Mail, or you can call our respective

1 offices if you have a question. We will
2 put --

3 MR. LARRY CRANE: All of our telephone
4 numbers are there.

5 MR. OLAN REEVES: Right.

6 MR. LARRY CRANE: Our desks, it is all
7 there.

8 MR. OLAN REEVES: Right. We will put
9 stuff, as it becomes available -- if a
10 Supreme Court case comes down, which we
11 don't anticipate that could have an impact
12 on this, we would put that on our website.
13 If something else comes up, like adjusted,
14 unadjusted numbers, we have a feeling that
15 will be decided for us, rather than us
16 having to decide it. Once that happens,
17 we will put that on our website, as well,
18 so that you can instantly access that and
19 find out kind of the progress of what is
20 happening at this point.

21 MR. LARRY CRANE: As soon as the
22 schedule for the next round of hearings is
23 available --

24 MR. OLAN REEVES: We will put that on
25 there.

22

1 MR. LARRY CRANE: -- that will be up
2 there. As soon as the maps are drawn, they
3 will be up there.

4 MR. OLAN REEVES: Right.

5 MR. LARRY CRANE: So, you will have
6 access to them.

7 MR. OLAN REEVES: Now, Tim, do you
8 know, do you remember when -- when are we
9 going to get county numbers, not the
10 precinct numbers, but county numbers from
11 the US Census Bureau?

12 MR. TIM HUMPHRIES: As far as I know
13 for sure, they won't be available until all
14 the numbers come out in March.

15 MR. OLAN REEVES: Okay.

16 MR. TIM HUMPHRIES: But I have heard
17 that they are going to be available earlier
18 than that from various sources that may be
19 credible. So, it could be that they do come
20 out earlier than that, which the legislature
21 would really like. Because, you know, if
22 they don't come out until March, it is going
23 to be right at the end of the session, and
24 Congressional redistricting is the sort of
25 issue that usually takes a little time to
26 resolve.

23

1 MR. OLAN REEVES: Right, right. Okay.
2 If there are no other questions, thank you
3 all for coming.

4 MR. TIM HUMPHRIES: Be sure to look at
5 our website, it is just a treasure trove of
6 information.

7 (WHEREUPON, at 12:29 p.m., the
8 proceedings were concluded.)

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MAPS .

C E R T I F I C A T E

STATE OF ARKANSAS)
) ss.:
 COUNTY OF PULASKI)

I, DONNA KAYE PETRE, Certified Court Reporter and notary public in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same truly, and correctly reflects the proceedings had.

WHEREFORE, I have subscribed my signature and affixed my notarial seal as such notary public at the City of Little Rock, County of Pulaski, State of Arkansas, this the 16th day of January, 2001.

DONNA KAYE PETRE, CCR
 NOTARY PUBLIC IN AND FOR
 PULASKI COUNTY, ARKANSAS
 LS CERTIFICATE #125

My Commission Expires:
 August 4, 2010.

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